

**Amendments To The Drawings:**

None.

**Remarks**

This Amendment is in response to the Office Action dated **April 3, 2007**. Claims 1-10 which were provisionally rejected under a Double Patenting Rejection based on application 10/166,572 have been canceled in favor of their prosecution in that application. Claim 24 has been amended to traverse the §112 rejection. Other claims have been amended to change claim dependencies.

Claim 11 has been rewritten in independent form largely from old claim 1. It notes that the length of the package is calculated by measuring the speed of the package and the length of the time the package takes to pass by the optical sensors, and then doing the necessary calculations. Claim 11 also now specifies that the width of the package is determined by blocking one or more optical sensors positioned along the y axis to reduce the amount of ambient light reaching one or more sensors. This clearly defines over any combination with the Dlugos reference, U.S. Patent 5,878,379 since that reference senses package dimensions using reflected light and emitter-sensor pairs.

The invention as claimed measures only the width of the package by rows of sensors that sense changes in ambient light. The length and height of the package is measured differently, by speed and time measurements for the width and by emitter-sensors pairs for the height of the package.

In Dlugos, the measurement of all three dimensions is performed using emitter-sensor pairs. The emitters emit a signal (usually ultrasonic, not light), which signal bounces off the package and returns to the sensor. Reductions in ambient light are not sensed. Dlugos only discloses utilizing an optical measuring system having an optical sensor paired to an LED emitter and makes no disclosure of utilizing ambient light to detect packages. (Dlugos, Col. 4 lines 13-22, Col. 5 lines 13-25, Col. 9 lines 35-38, and Col. 10 lines 36-39). In fact Dlugos teaches away any intent to utilize ambient light because it states that when the light to be received by one sensor is close to the radiating light designated to be received by another sensor (as is the case with ambient light) the resulting measurements are coarse and imprecise. (Dlugos, Col. 10 line 65 –

Col. 11 line 5).

In Gendreau, a method is described for measuring a package moving along a conveyor. The apparatus of Gendreau measures package width using scanning cameras 32. Various methods in Gendreau for using data from the cameras measure the width of the package. None of the methods in Gendreau involve the use of sensors that sense a reduction in ambient light. Gendreau does not disclose the package being detected by optical sensors utilizing a reduction in ambient light. Similarly, although Gendreau does disclose utilizing reflected emitted light, changes in camera images, beam arrays, and time calculations to detect packages it does not disclose utilizing ambient light to do so. This is not surprising as the prior art teaches away from any intent to utilize ambient light because when the light to be received by one sensor is close to the radiating light designated to be received by another sensor (as is the case with ambient light) the resulting measurements are coarse and imprecise. (Dlugos, Col. 10 line 65 – Col. 11 line 5).

**Conclusion**

It is respectfully submitted that the combination of the cited references fails to make the invention, as amended, obvious. A Notice of Allowance of remaining claims 11-26 is respectfully requested.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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